

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN NYPL, et al.,	:	
	:	
Plaintiffs,	:	
	:	15 Civ. 9300 (LGS)
-against-	:	
	:	<u>ORDER</u>
JP MORGAN CHASE & CO., et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, pursuant to this Court’s Order on February 24, 2020, on March 16, 2020, Matthew S. Fitzwater and Stephen M. Cutler filed affidavits describing how they came to have knowledge of the matters underlying the plea agreements executed between the United States Department of Justice (“DOJ”) and Barclays PLC and JPMorgan Chase & Co., respectively (Dkt. Nos. 506, 508);

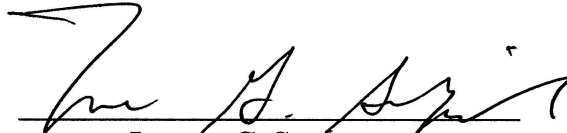
WHEREAS, in his affidavit, Mr. Fitzwater states, “I learned this information either from Sullivan & Cromwell LLP, Clifford Chance LLP, or other internal Barclays counsel or through my own participation, as counsel to Barclays, in the investigation.” Mr. Fitzwater does not explain what investigation is referenced by the phrase “the investigation.” (Dkt. No. 506 at ¶ 5);

WHEREAS, in his affidavit, Mr. Cutler states, “I learned this information either from Skadden, Arps, Slate, Meagher & Flom LLP or other internal JPMorgan counsel or through my own participation, as counsel to JPMorgan, in the investigation.” Mr. Cutler does not explain what investigation is referenced by the phrase “the investigation.” (Dkt. No. 508 at ¶ 4). It is hereby

ORDERED that, by May 1, 2020, Defendants Barclays PLC and JPMorgan Chase & Co. shall file supplemental affidavits from Mr. Fitzwater and Mr. Cutler clarifying whether the

investigations to which their original affidavits refer were internal investigations conducted by in-house or outside counsel, undertaken to provide legal advice in connection with anticipated or ongoing litigation, or some other type of investigation.

Dated: April 27, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE